

PATENT
Attorney Docket 056100-5005-01-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Pierre Broun et al.**)
)
Application No. **10/820,202**) Group Art Unit: **1638**
)
Filed: **April 8, 2004**) Examiner: **Not Assigned**
)
For: **Production of Hydroxylated Fatty Acids**)
 in Genetically Modified Plants)

Commissioner for Patents
Washington, D.C. 20231

PETITION FOR ACCEPTANCE OF DRAWINGS

In response to the Notice to File Missing Parts of Nonprovisional Application dated May 20, 2004, Applicants petition for the acceptance of attached Figures 12 and 13. Applicants contend that figures 12 and 13 are in fact part of the instant application in view of the following facts.

1) The instant application makes the following priority claim (See, preliminary amendment filed April 8, 2004):

“The present application is a continuation application of U.S. Application No. 09/117,921, filed March 4, 1999, which is a U.S. National Phase Application of International Application PCT/US97/02187, filed February 6, 1997, published in English, which is a continuation application of U.S. Application No. 08/597,313, filed February 6, 1996, now U.S. Patent No. 6,310,194, all of which are herein incorporated by reference in their entirety.”

2) Patent Appl. No. 08/597,313 [‘313] included Figures 12 and 13 when filed and the patent issued from the application (USPN 6,310,194) issued with Figures 12 and 13. See, copy of USPN 6,310,194 including Figures 12 (sheet 19 of 20) and 13 (sheet 20 of 20) attached hereto.

The priority claim made in the instant application clearly claims benefit of the ‘313 application and incorporated the ‘313 application in its entirety (including the figures). Therefore, Applicants respectfully submit that Figures 12 and 13 are incorporated by reference in the instant application and are entitled to the April 8, 2004 filing date of the instant application.. Applicants have provided herewith copies of Figures 12 and 13.

The Commissioner is hereby authorized to charge **\$130.00** to Deposit Account No. 50-0310 for payment of the petition fee.

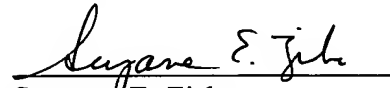
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Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. § 1.136(a)(3).

Dated: **July 16, 2004**
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Respectfully submitted,
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